

AMENDED IN SENATE JUNE 15, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 222

Introduced by Committee on Agriculture (Galgiani (Chair), Valadao (Vice Chair), Bill Berryhill, Hill, Ma, Mendoza, Olsen, Perea, and Yamada)

February 1, 2011

An act to amend Sections 221.1, 492, 4171, 31108, 31752, and 77067 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as amended, Committee on Agriculture. Food and Agriculture: omnibus bill.

(1) Existing law establishes the Department of Food and Agriculture Fund, a continuously appropriated fund used for specified purposes relating to enforcement of various provisions of law relating to various agriculture programs. Notwithstanding those provisions, existing law requires the Department of Food and Agriculture to establish all permanent positions with the Controller's office pursuant to standard state administrative practices, and to report to the chairs of the fiscal committees of the Legislature, no later than January 10, 2005, on the positions established and funded, as specified.

Existing law also establishes the Food Biotechnology Task Force and authorizes the task force to request particular agencies to lead the effort to evaluate various factors related to food biotechnology. Existing law requires the task force to report the issues studied, findings, basis for

their findings, and recommendations to the Governor and the Legislature by January 1, 2003.

This bill would delete the obsolete reporting requirements from these provisions.

(2) Existing law divides the state into agricultural districts, as specified, and provides for district agricultural associations, which are state institutions. Existing law authorizes the 50th District Agricultural Association, with the consent of the Secretary of Food and Agriculture, to enter into a joint powers agreement for, among other purposes, the purpose of creating a joint powers agency to operate, maintain, and improve the facilities and functions of the 50th District Agricultural Association. Existing law requires, prior to the commencement of the joint powers agreement, the parties to the agreement and the Department of Food and Agriculture to ensure that every employee in the civil service of the 50th District Agricultural Association is provided with the option of continuing his or her employment with the state. Existing law requires the joint powers agency to contract with the department for the services of the employee who chooses to continue his or her employment with the state, consistent with his or her civil service classification and status.

This bill would authorize the joint powers agency to contract with the department or the 50th District Agricultural Association for the services of an employee, consistent with his or her civil service classification and status.

~~(2)~~

(3) Existing law requires that the holding period for a stray dog or a stray cat impounded in a shelter be 6 business days, not including the day of impoundment, with exceptions, as provided.

This bill would define the term “business day” for purposes of these provisions as any day that a public or private shelter is open to the public for at least 4 hours, excluding state holidays.

~~(3)~~

(4) Existing law establishes the California Walnut Commission, composed of 8 walnut producers, 4 walnut handlers, and one member of the public. Existing law requires the commission to elect alternate members, and provides for the appointment of ex officio members.

Existing law provides that each member of the commission or each alternate member serving in place of a member, except for ex officio government members, and each member of a committee established by the commission who is a nonmember of the commission, may receive

a per diem not to exceed \$100 per day, as established by the commission, for each day spent in actual attendance at, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment from the commission. Existing law also authorizes members of the commission to receive necessary traveling expenses and meal allowances, as approved by the commission.

This bill would delete the provision for a \$100 per diem for members, alternate members, and committee members, and would instead provide that members of the commission may receive an amount not to exceed the reasonable and necessary traveling expenses and meal allowances, as established by the commission.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 221.1 of the Food and Agricultural Code
2 is amended to read:
3 221.1. Notwithstanding Section 221, the department shall
4 establish all permanent positions with the Controller's office,
5 pursuant to standard state administrative practices.
6 SEC. 2. Section 492 of the Food and Agricultural Code is
7 amended to read:
8 492. (a) The Legislature hereby creates the Food
9 Biotechnology Task Force. The task force shall be cochaired by
10 the Secretary of California Health and Human Services, and the
11 Secretary of the California Department of Food and Agriculture.
12 The task force shall consult with appropriate state agencies and
13 the University of California. The Department of Food and
14 Agriculture shall be the lead agency.
15 (b) An advisory committee shall be appointed by the task force
16 to provide input on issues reviewed by the task force. The advisory
17 committee shall consist of representatives from consumer groups,
18 environmental organizations, farmers, ranchers, representatives
19 from the biotechnology industry, researchers, organic farmers,
20 food processors, retailers, and others with interests in the issues
21 surrounding biotechnology.
22 (c) The Department of Food and Agriculture shall make funds
23 available to other agencies to accomplish the purposes of this
24 article and shall contract, where appropriate, with the California

1 Council on Science and Technology, the University of California,
2 or other entities to review issues evaluated by the task force or
3 support activities of the advisory committee.

4 (d) The task force may request particular agencies to lead the
5 effort to evaluate various factors related to food biotechnology.
6 As funding becomes available, the task force shall evaluate factors
7 including all of the following:

8 (1) Definition and categorization of food biotechnology and
9 production processes.

10 (2) Scientific literature on the subject, and a characterization of
11 information resources readily available to consumers.

12 (3) Issues related to domestic and international marketing of
13 biotechnology foods such as the handling, processing,
14 manufacturing, distribution, labeling, and marketing of these
15 products.

16 (4) Potential benefits and impacts to human health, the state's
17 economy, and the environment accruing from food biotechnology.

18 (5) Existing federal and state evaluation and oversight
19 procedures.

20 (e) An initial sum of one hundred twenty-five thousand dollars
21 (\$125,000) is hereby appropriated from the General Fund for
22 disbursement to the Department of Food and Agriculture. It is the
23 intent of the Legislature to make further funds available to
24 accomplish the purposes contained in this article.

25 *SEC. 3. Section 4171 of the Food and Agricultural Code is*
26 *amended to read:*

27 4171. (a) Notwithstanding any other provision of law, the 50th
28 District Agricultural Association, with the consent of the secretary,
29 may enter into a joint powers agreement pursuant to Chapter 5
30 (commencing with Section 6500) of Division 7 of Title 1 of the
31 Government Code for the purpose of creating a joint powers agency
32 to operate, maintain, and improve the facilities and functions of
33 the 50th District Agricultural Association. This joint powers
34 agency's duties shall include planning, designing, and constructing
35 real property improvements, including new construction, alteration,
36 extension, betterment, and repair, and purchasing fixed and
37 movable equipment related to the facilities and functions of the
38 50th District Agricultural Association.

39 (b) The joint powers agency may accept the donation of, acquire,
40 own, sell, or lease real property, and may pledge its property or

1 revenue for the sale of bonds to construct, equip, and furnish the
2 facilities, parking facilities, and any betterments, improvements,
3 and facilities related thereto.

4 (c) The joint powers agency may make and enter into contracts
5 and employ agents and employees. The joint powers agency may
6 manage, maintain, and operate the facilities, or may enter into
7 management contracts for the operation of the facilities. The
8 planning, designing, and constructing of these improvements, and
9 the agency's other duties, as specified in this section, shall be
10 undertaken in accordance only with those restrictions applicable
11 to the joint powers agency.

12 (d) Prior to the commencement of the joint powers agreement,
13 the parties to the agreement and the department shall ensure that
14 every employee in the civil service of the 50th District Agricultural
15 Association is provided with the option of continuing his or her
16 employment with the state, or of accepting a position as an
17 employee of the joint powers agency.

18 (1) With respect to an employee who chooses to continue his
19 or her employment with the state, the employee shall continue to
20 be subject to all of the provisions governing civil service
21 employees, and, additionally, all of the following shall apply:

22 (A) The joint powers agency shall contract with the department
23 *or the 50th District Agricultural Association* for the services of
24 the employee, consistent with his or her civil service classification
25 and status.

26 (B) The employee has the right to continue to provide services
27 to the joint powers agency pursuant to that contract during the time
28 the employee continues in the civil service classification he or she
29 held at the time of the employee's election.

30 (2) With respect to an employee who chooses to leave his or
31 her employment with the state and become an employee of the
32 joint powers agency, those employees are not employees of the
33 state, and are not subject to the requirements of Chapter 10.3
34 (commencing with Section 3512) and Chapter 10.5 (commencing
35 with Section 3525) of Division 4 of Title 1 of the Government
36 Code.

37 (3) If a position filled by a civil service employee pursuant to
38 contract with the department becomes vacant, the joint powers
39 agency may fill the position with a non-civil-service employee.

1 (e) If the joint powers agency contracts with another entity for
2 the operation or management of the facilities, the requirements of
3 subdivision (d) shall apply to the new entity prior to
4 commencement of any agreement.

5 (f) The State of California is not liable for any debts, liabilities,
6 settlements, liens, or any other obligations incurred by or imposed
7 upon the joint powers agency. The joint powers agreement executed
8 pursuant to this section shall expressly provide that the General
9 Fund and the Fair and Exposition Fund shall be held harmless from
10 all debts, liabilities, settlements, judgments, or liens incurred by
11 the joint powers agency, and that neither the state nor any agency
12 or division thereof shall be liable for any contract, tort, action or
13 inaction, error in judgment, mistake, or other act taken by the joint
14 powers agency, or any of its employees, agents, servants, invitees,
15 guests, or anyone acting in concert with, or on the behalf of, the
16 joint powers agency.

17 ~~SEC. 3.~~

18 *SEC. 4.* Section 31108 of the Food and Agricultural Code is
19 amended to read:

20 31108. (a) The required holding period for a stray dog
21 impounded pursuant to this division shall be six business days,
22 not including the day of impoundment, except as follows:

23 (1) If the public or private shelter has made the dog available
24 for owner redemption on one weekday evening until at least 7 p.m.
25 or one weekend day, the holding period shall be four business
26 days, not including the day of impoundment.

27 (2) If the public or private shelter has fewer than three full-time
28 employees or is not open during all regular weekday business
29 hours, and if it has established a procedure to enable owners to
30 reclaim their dogs by appointment at a mutually agreeable time
31 when the public or private shelter would otherwise be closed, the
32 holding period shall be four business days, not including the day
33 of impoundment.

34 Except as provided in Section 17006, stray dogs shall be held
35 for owner redemption during the first three days of the holding
36 period, not including the day of impoundment, and shall be
37 available for owner redemption or adoption for the remainder of
38 the holding period.

39 (b) Except as provided in Section 17006, any stray dog that is
40 impounded pursuant to this division shall, prior to the euthanasia

1 of that animal, be released to a nonprofit, as defined in Section
2 501(c)(3) of the Internal Revenue Code, animal rescue or adoption
3 organization if requested by the organization prior to the scheduled
4 euthanasia of that animal. The public or private shelter may enter
5 into cooperative agreements with any animal rescue or adoption
6 organization. In addition to any required spay or neuter deposit,
7 the public or private shelter, at its discretion, may assess a fee, not
8 to exceed the standard adoption fee, for animals adopted or
9 released.

10 (c) During the holding period required by this section and prior
11 to the adoption or euthanasia of a dog impounded pursuant to this
12 division, a public or private shelter shall scan the dog for a
13 microchip that identifies the owner of that dog and shall make
14 reasonable efforts to contact the owner and notify him or her that
15 his or her dog is impounded and is available for redemption.

16 (d) As used in this division, a “business day” includes any day
17 that a public or private shelter is open to the public for at least four
18 hours, excluding state holidays.

19 ~~SEC. 4.~~

20 *SEC. 5.* Section 31752 of the Food and Agricultural Code is
21 amended to read:

22 31752. (a) The required holding period for a stray cat
23 impounded pursuant to this division shall be six business days,
24 not including the day of impoundment, except as follows:

25 (1) If the public or private shelter has made the cat available for
26 owner redemption on one weekday evening until at least 7 p.m.
27 or one weekend day, the holding period shall be four business
28 days, not including the day of impoundment.

29 (2) If the public or private shelter has fewer than three full-time
30 employees or is not open during all regular weekday business
31 hours, and if it has established a procedure to enable owners to
32 reclaim their cats by appointment at a mutually agreeable time
33 when the public or private shelter would otherwise be closed, the
34 holding period shall be four business days, not including the day
35 of impoundment.

36 Except as provided in Sections 17006 and 31752.5, stray cats
37 shall be held for owner redemption during the first three days of
38 the holding period, not including the day of impoundment, and
39 shall be available for owner redemption or adoption for the
40 remainder of the holding period.

(b) Except as provided in Section 17006, any stray cat that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization.

(c) During the holding period required by this section and prior to the adoption or euthanasia of a cat impounded pursuant to this division, a public or private shelter shall scan the cat for a microchip that identifies the owner of that cat and shall make reasonable efforts to contact the owner and notify him or her that his or her cat is impounded and is available for redemption.

(d) As used in this division, a “business day” includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.

~~SEC. 5.~~

SEC. 6. Section 77067 of the Food and Agricultural Code is amended to read:

77067. No member of the commission or of any committee established by the commission that may include nonmembers of the commission shall receive a salary. Except for ex officio government members, the members may receive an amount not to exceed reasonable and necessary traveling expenses and meal allowances, as established by the commission, for each day spent in actual attendance at, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment for the commission, as approved by the commission.